

Conservation Commission – Town of Spencer



Minutes

Conservation Commission Meeting
Wednesday, June 10, 2009 at 7:00 PM
Conference Room A
Memorial Town Hall

The Meeting was opened at 7 p.m.

Commissioners Present: Ernest Grimes (Chairman), Judy Lochner (arrived at 7:05 p.m.), Mary McLaughlin, Karen Rubino, Steve Manuel, Warren Snow, Chris Plant

Staff present: Ginny Scarlet & Lisa Daoust

Minutes Approved:

May 27, 2009 – *A motion to approve the Minutes as amended (McLaughlin/Plant) passed 6/0.*

June 8, 2009 – *A motion to approve the Minutes as amended (Rubino/Manuel) passed 6/0.*

Signed & Notarized:

7 Dufault Rd., Order of Conditions
10 West Main St., Order of Conditions
Laureldale Woods II, 3 year Extension

7:15 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Cistercian Abbey of Spencer, Inc.

Property: North Spencer Road, Spencer, MA DEP#293-0726

The dam was found in poor condition as a result of inspection by the Office of Dam Safety. An Order was issued to the Abbey to take steps in improving the dam or have the dam removed. The Abbey chose to bring the dam into compliance. The spillway width does not meet the standards of the Office of Dam Safety. The spillway must be widened as well. The plan is to remove the structure completely. The existing structure is approximately 20 feet wide in the spillway area and discharging to the channel. In order to bring the dam into compliance with the Office of Dam Safety regulations, another 30 feet of spillway must be added.

The structure will be designed so the water will flow over the spillway and then join the existing streambed before going under the bridge. There will be need for grading. The upstream phase will be treated with rip rap and downstream will have erosion protection. When work is being done in the pond, it will be kept at its' normal water level with the use of a coffer dam. The area between the coffer dam and the dam itself will be

dewatered so the contractor can work in dry conditions. The majority of the pond will stay in tact to continue supporting the wildlife.

The access to the site will be from an old abandoned road that comes in from the south end of the site. Minor clearing will be done on the road to get into the area. There will be a small area available for storage materials.

The pipe that is currently in the dam is deteriorating. A new pipe will be installed with a new intake structure. The purpose of this pipe is to lower the water level in case of emergency. It is a requirement of the Office of Dam Safety that the pipe be installed for maintenance and emergencies.

Dan Rukakoski, Senior Environmental Scientist with Tighe & Bond, talked about the bordering vegetation wetlands. One location of BVW is on the downstream end of the dam and the two other locations of BVW is on the north and south sides of the pond. The impact of BVW will be approximately 80 square feet. There will only be regrading. There will be approximately 72 linear square feet of bank which has to be rebuilt. There is approximately 3,800 square feet of temporary impact to land under water.

Natural Heritage had major concerns about potential downstream issues because of two rare muscles, the floater and the creeper. Natural Heritage did a site visit. They determined that the area between the dam and the bridge had very limited habitat for the rare muscles. Natural Heritage was also concerned that the original erosion controls were not adequate enough to address the muscles' habitat needs. Mr. Rukakoski revised the plan to give firmer protection to the muscles. One revision was to install another coffer dam upstream of where the dewater discharge would be. This will prevent any source of backflow from coming up and creating a wet work area causing siltation downstream.

They are also proposing to install two curtains downstream of where the discharge will occur. These curtains are a thick, flexible, plastic curtain that goes across the water and will hold sediment until someone cleans it out. A boom will also be installed and construction dewatering will be done. Construction dewatering is a suction hose attached to a trash pump with a geotech style filter bag to catch any sediment.

Ms. Scarlet said Natural Heritage has a concern if there is a drought, the dam may stop flow from going downstream. The pipe that is there could be used as a valve control and can be adjusted to allow some flow downstream. Ms. Scarlet said this can be an ongoing condition in the Order of Conditions.

Mr. Grimes said on the plan, the blue section of the dam is going to be 6 inches higher than the green section of the dam. The green section will be at the existing elevation it is at now. Ms. Lochner asked how old the dam was. Brother Bernard said it has been there since 1952. Ms. Lochner asked if the Office of Dam Safety reviewed the plan and do they have to approve the plan. There is a Chapter 253 permit that has to be filed with the Office of Dam Safety. The entire plan and specifications are given to them for review

then the permit is issued. A copy of the permit and transmittal will be submitted to the Commission when received.

Ms. Rubino wanted to clarify they said 20 feet of clearing has to be done on both sides. The Office of Dam Safety has a requirement that on any dam, any high vegetation of trees be cleared 20 feet. The trees can cause damage if they fall. The Office of Dam Safety will require within the permit that an Operation and Maintenance plan be submitted which will have a section regarding annual mowing.

Ms. Lochner asked if the Town Engineer reviewed this plan. Ms. Scarlet said yes and a peer review was done.

The proposed conditions are as follows:

- Standard ESC
- Natural Heritage conditions.
- Pre-construction meeting with Contractor.
- Operation and Maintenance plan must be submitted.
- The outlet pipe will be used as a valve control in a drought situation.
- Any changes to the plan made by the Office of Dam Safety must be submitted to the Commission.

A motion to close the public hearing (Lochner/Rubino) passed 7/0.

A motion to accept plan as submitted with conditions as discussed (McLaughlin/Rubino) passed 7/0, Order of Conditions to be issued.

7:53 p.m. Opened the Public Hearing for Notice of Intent for Spencer Little League Association

Property: Wire Village Road, Spencer, MA DEP#293-0728

Jason Dubois, Bertin Engineering, presented the plan. The first field has a drainage problem. There is a lot of runoff from the hill across the street. The project is to re-dig along the back of the fence a two foot wide, two foot deep trench. A six inch perforated pipe will be installed and then the existing vegetation will be put back. The outfall will be protected with rip rap and hay bales.

Mr. Grimes said he would like the outflow into Turkey Brook done first in case of heavy rains. Ms. Scarlet asked if the trench will be three feet deep at any point. Mr. Bertin said it will be roughly two feet all around.

The proposed conditions are as follows:

- Standard ESC
- Pre-construction meeting with Contractor.
- Contact information must be submitted in case it is necessary to stop work.
- A boom must be placed in the outlet downstream from construction.

- Outflow construction must be done first.
- Certificate of Compliance must be requested as soon as project is completed.

A motion to close the public hearing (Plant/Snow) passed 7/0.

A motion to accept plan as submitted with conditions as discussed (Snow/McLaughlin) passed 7/0, Order of Conditions to be issued.

7:53 p.m. Opened the Public Hearing for Request for Determination of Applicability for Rodney Kresco

Property: 69 Bacon Hill Road, Spencer, MA

Jason Dubois, Bertin Engineering, presented the plan. The lot was logged before Mr. Kresco bought the property. There are actually two lots, a back lot and front lot. Mr. Kresco hired someone with an excavator to clean up the site. Mr. Kresco's plans are to basically regrade and seed the lot so it looks like a field. Mr. Grimes said the lot has been de-stumped.

Ms. Lochner asked what Mr. Kresco's plan is with the property. Mr. Dubois said Mr. Kresco eventually wants to combine the two lots and build a house. Mr. Grimes said Mr. Kresco can not do any work beyond the boundary of existing disturbance, which is the pink line on the plan submitted.

The proposed conditions are as follows:

- No work beyond the boundary of existing disturbance.
- Silt fence only must be installed.

A motion to close the public hearing (Rubino/McLaughlin) passed 7/0.

A motion for a Negative Determination with conditions as discussed (Snow/Manuel) passed 7/0.

Other Business:

320 Main Street, Ragsdale: A three year extension was requested for the project. Ms. Scarlet went and inspected the project. They completed the work on the drainage in the parking lot; however, they have not completed the expansion. Ms. Scarlet also looked at the water level in the wetlands and she said it is at a reasonable level and flowing properly. Ms. Scarlet said her recommendation is the Commission grant a 3 year Extension. *A motion to grant a 3 year Extension (McLaughlin/Snow) passed 7/0.*

37 GH Wilson Road: Ms. Scarlet prepared an amended Enforcement Order. Ms. Lochner read aloud the conditions of the Enforcement Order. Ms. Lochner said the date for a restoration plan to be submitted was wrong on the Order. The Commission agreed on changing the date to August 12, 2009. *A motion to ratify the Enforcement Order (McLaughlin/Plant) passed 7/0.*

64 Paxton Road: Mr. Grimes read the Enforcement Order Conditions. Lisa will send a cover letter mentioning that this is the second time that Mr. Fryberg has had difficulty with the Wetlands Protection Act. Therefore, he needs to understand his responsibility because his whole living space is up against the wetlands. If there is another incident, the Commission will go straight to Enforcement and/or Fines. Lisa will also say in the letter that if more work is planned for his property, the Commission must be contacted. *A motion to issue the Enforcement Order (Plant/Rubino) passed 7/0.*

Wire Village School: Ms. Scarlet said she is going to contact Superintendent Ralph Hicks or whoever is in charge of maintenance there. She will make a point that nobody ever responded to the letter that was sent regarding the maintenance of the drainage system. Mr. Grimes said if Ms. Scarlet could set up a meeting in the evening, he would definitely attend.

Pine Acres: Ms. Scarlet said all the information needed has been submitted from special council. A letter from Attorney Judy Pickett was submitted to the Commission. It said that the road carefully goes through lots. Each section is owned by a particular person. She also said the state law says the Town has no responsibility whatsoever to do any work on private roads. The town may do work if the town passes a bylaw to do temporary repairs. Atty. Pickett suggested in the letter if the Commission believes the silt running into the pond is bad enough, the Commission could enforce against the property owners at each end of the bridge. The Commission could, on the other hand, enforce against the whole set of road owners or they could enforce against the town for the work they did.

Ms. Lochner said the question was who was going to finish the work on the culvert and stabilize the bank. Ms. Scarlet said that it's the Commission's prerogative. Ms. Rubino said the town did the work and now the property owners need keep up with the work. Ms. Scarlet said there will be a meeting with the Town Administrator, Selectman, Ms. Scarlet and the Conservation Commission members to make a decision of who should follow up. Mr. Grimes said he would also like to set up a site visit sometime before the meeting.

54 R. Jones Road: Trees and vegetation have been removed. Carl Leinonen is the owner and told Ms. Scarlet he will attend the next Conservation meeting. In the meantime, Mr. Leinonen will not do any further work. Mr. Snow did take pictures of the property and sent them to the Commissioners by email.

Sewer Department: At Elm Street culvert, the water goes through a pipe into another pipe that leads to Muzzy Brook. It discharges 5 to 10 gallons a minute in wet weather and dry. Rob McNeil, Director of Utilities & Facilities, looked at the pipe and decided that a TV Inspection was needed. The inspection takes photos of inside the pipes to see what is flowing. Ms. Scarlet gave copies of the photos to the Commission. These photos show feces and toilet paper flowing through the pipes. Ms. Scarlet sent a Notice of Violation to the Sewer Department addressing this. The Notice of Violation was not submitted to DEP. It was just an in-house warning.

Ms. Lochner asked if it can be determined from the pictures where the feces was flowing from. Ms. Scarlet said there is no way to tell from the pictures. Ms. Scarlet said there is a way to find out through a smoke generating machine. Smoke is pumped into the low end of the pipe and then look all around to where the smoke is coming out. Ms. Scarlet said it is up to the Sewer Department to figure this out and they will need to cooperate with the Highway Department.

125 Ash Street: The Order of Conditions expired and an as-built plan has not been submitted. The wetlands replication is wrong. Mr. Grimes said there was no barrier installed to contain the water level. All they did was put down pea stones. Ms. Scarlet sent a Notice of Violation to the owner.

New Applications: NOI, Town of Spencer, water main along Highland, Wilson,
 Lincoln, Pleasant, Main and Elm Streets

A motion to adjourn the meeting at 9:20 p.m. (Snow/Manuel) passed 7/0.

Respectfully submitted by:

Lisa Daoust, Clerk
Development & Inspectional Services